

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. R-11/09-604  
 )  
 Appeal of )

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division terminating her Food Stamps and Medicaid benefits. The issue is whether the petitioner remains a Vermont resident. A telephone hearing was held on January 15, 2010. The petitioner participated from a phone in the state of Georgia. The following findings of fact are based on the parties' undisputed representations at that hearing.

1. The petitioner lived in Rutland, Vermont until August 2009, and received Food Stamps and Medicaid as a Vermont resident.

2. The petitioner moved to Georgia in August 2009. On September 26, 2009 the Department notified her that her Food Stamps and Medicaid would close effective October 31, 2009. The petitioner filed an appeal with the Department on October

20, 2009, and her benefits have continued pending this hearing.<sup>1</sup>

3. The petitioner represents that she filed her appeal because she was unable to establish residency in Georgia for purposes of receiving public benefits in that state until recently.

ORDER

The Department's decision is affirmed.

REASONS

Both the Medicaid and Food Stamp regulations require residency in Vermont in order to establish and continue eligibility for those programs. W.A.M. §§ 4217 & 273.3(a). In this case, there is no dispute that the petitioner permanently moved to Georgia in August 2009. Inasmuch as the Department's decision in this matter is in accord with its regulations, the Board is bound to affirm. 3 V.S.A § 3091(d), Fair Hearing Rule No. 1000.4D.

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<sup>1</sup>For reasons unknown, the Department did not forward the petitioner's appeal to the Board until November 17, 2009.